

LEGISLATIVE BILL 625

Approved by the Governor April 15, 2004

Introduced by Brown, 6

AN ACT relating to civil rights; to amend sections 20-326 and 20-330, Reissue Revised Statutes of Nebraska; to change provisions relating to discriminatory housing practice complaint procedure and information; to provide an operative date; and to repeal the original sections.
Be it enacted by the people of the State of Nebraska,

Section 1. Section 20-326, Reissue Revised Statutes of Nebraska, is amended to read:

20-326. (1) (a) (i) An aggrieved person may, not later than one year after an alleged discriminatory housing practice has occurred or terminated, file a complaint with the commission alleging such discriminatory housing practice. The commission, on its own initiative, may also file such a complaint.

(ii) The complaint shall be in writing and shall contain such information and be in such form as the commission requires.

(iii) The commission may also investigate housing practices to determine whether a complaint should be brought under this section.

(b) Upon the filing of a complaint:

(i) The commission shall serve notice upon the aggrieved person acknowledging such filing and advising the aggrieved person of the time limits and choice of forums provided under the Nebraska Fair Housing Act;

(ii) The commission shall, not later than ten days after such filing or the identification of an additional respondent under subsection (2) of this section, serve on the respondent a notice identifying the alleged discriminatory housing practice, ~~and~~ advising such respondent of the procedural rights and obligations of respondents under the act, and informing the respondent of the right at any time, upon request, to obtain information derived from an investigation and any investigative report relating to that investigation as provided in subsections (2) and (3) of section 20-330, together with a copy of the original complaint;

(iii) Each respondent may file, not later than ten days after receipt of notice from the commission, an answer to the complaint; and

(iv) Unless it is impracticable to do so, the commission shall investigate the alleged discriminatory housing practice and complete such investigation within one hundred days after the filing of the complaint or, when the commission takes further action under section 20-332 with respect to a complaint, within one hundred days after the commencement of such further action.

(c) If the commission is unable to complete the investigation within one hundred days after the filing of the complaint or after the commencement of such further action, the commission shall notify the complainant and respondent in writing of the reasons for not doing so.

(d) Complaints and answers shall be under oath and may be reasonably and fairly amended at any time.

(2) (a) A person who is not named as a respondent in a complaint but who is identified as a respondent in the course of investigation may be joined as an additional or substitute respondent upon written notice under subdivision (1) (b) (ii) of this section to such person from the commission.

(b) The notice shall explain the basis for the commission's belief that the person to whom the notice is addressed is properly joined as a respondent.

Sec. 2. Section 20-330, Reissue Revised Statutes of Nebraska, is amended to read:

20-330. (1) Except as provided in subsection (4) of section 20-327, nothing said or done in the course of conciliation may be made public or used as evidence in a subsequent proceeding under the Nebraska Fair Housing Act without the written consent of the persons concerned.

(2) Notwithstanding subsection (1) of this section, the commission shall make available to the aggrieved person and the respondent at any time, upon request, information derived from an investigation and any final investigative report relating to that investigation.

(3) Notwithstanding subsection (1) of this section, in any case in which the complaint is filed by the commission and there is no aggrieved person, or in which a complaint is filed and the only aggrieved person is a tester or a testing organization, the commission shall provide to the

respondent at any time, upon request, copies of all information derived from an investigation and copies of any final investigative report relating to that investigation. All personal identification information of testers shall be removed from the copies provided. The commission may charge a fee, not to exceed actual cost, for copies provided under this subsection.

Sec. 3. This act becomes operative on October 1, 2005.

Sec. 4. Original sections 20-326 and 20-330, Reissue Revised Statutes of Nebraska, are repealed.